

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

TERRA Walker, et al,
Plaintiff

vs.

King Fisher Wind, LLC,
Defendant

Case No. 14-914-B

April 2016 TRIAL DOCKET

SCHEDULING ORDER

Date 8-6-15 Judge Timothy D. DeGiusti Clerk Mike Bailey

Appearing for Plaintiff Dallas Skempke

Appearing for Defendant Tim Bornhoff, Todd Upolucky

☐ JURY TRIAL DEMANDED - ☒ NON-JURY TRIAL

THE FOLLOWING DEADLINES ARE SET BY THE COURT

1. Motions to join additional parties to be filed by **within 14 days of this order.**
2. Motions to amend pleadings to be filed by **within 14 days of this order.**
3. Plaintiff to **file a final** list of **expert witness(es) in chief and serve expert reports** by December 4, 2015.
Defendant to file a **final** list of **expert witness(es) in chief and serve expert reports to plaintiff** December 18, 2015.*
4. Plaintiff to file a **final** list of **witnesses**, together with addresses and brief summary of expected testimony where a witness has not already been deposed, by December 18, 2015.
Defendant to file a **final** list of **witnesses** (as described above) **fourteen (14)** days thereafter.*
5. Plaintiff to file a **final exhibit** list by December 18, 2015.
Defendant to file a **final exhibit** list 14 days thereafter.*
Defendant to file a **final exhibit** list 14 days thereafter.*
Plaintiff to file objections to defendant's final exhibit list, under Fed. R. Civ. P. 26(a)(3)(B) by within 14 days.
*The listing of witnesses and exhibits shall separately state those expected to be called or used and those which may be called or used if the need arises. Except for good cause shown, no witness will be permitted to testify and no exhibit will be admitted in any party's case in chief unless such witness or exhibit was included in the party's filed witness or exhibit list.

6. Discovery to be completed by February 5, 2016.
7. All dispositive and *Daubert* motions to be filed by January 6, 2016**.

****If dispositive motions are filed, the trial setting will change. The parties may also move to stay unexpired scheduling order deadlines pending the Court's ruling on dispositive motions. Absent such a motion, all deadlines will remain in force and effect.**

If the deadline for dispositive motions and *Daubert* motions precedes the discovery deadline, the parties are expected to conduct any discovery necessary for such motions in advance of the motion deadline.
8. Trial docket April 11, 2016 ***

*****Trial dockets generally begin the second Tuesday of each month. However, this practice varies, particularly during holidays. The published trial docket will announce the trial setting.**
9. Designations of deposition testimony to be used at trial to be filed by February 26, 2016. Objections and counter-designations to be filed by 7 days thereafter. Objections to counter-designations to be filed by 7 days thereafter.
10. Motions in limine to be filed by February 26, 2016.****

******Unless leave of Court to file separate motions in limine is granted, all motions in limine shall be consolidated into a single filing, which shall be subject to the page limitation in LCvR 7.1(e).******
11. Requested voir dire to be filed by February 26, 2016.
12. Trial briefs (optional unless otherwise ordered) to be filed by February 26, 2016.
13. Requested jury instructions to be filed on or before February 26, 2016.*****
14. Proposed findings and conclusions of law to be filed not later than February 26, 2016.*****

*******In addition to filing, the parties are encouraged, but not required, to submit their proposed jury instructions or findings of fact and conclusions of law in WordPerfect format to the Clerk via the Court's designated mail box: degiusti-orders@okwd.uscourts.gov.**
15. Any objection or responses to the trial submissions referenced in 10, 11, 12, 13, or 14 to be filed within **fourteen (14) days** thereafter.
16. The Final Pretrial Report, approved by all counsel, and in full compliance with Local Rules (*see Appendix IV*), together with a **proposed order approving the report**, to be submitted to the Court by February 26, 2016.

17. This case is referred to ADR:

- ☐ Mediation by agreement of the parties, exempt from LCvR 16.3.
- ☐ by Order of the Court:
 - ☐ Court-Ordered Mediation subject to LCvR 16.3.
 - ☐ Judicial Settlement Conference
 - ☐ Other _____

If the Court orders mediation, the process shall be completed and a report filed with the Court by the parties, stating whether the case settled, or not later than _____.

18. Except as otherwise specifically ordered by the assigned judge, this case will not be scheduled for a judicial settlement conference unless, not later than fourteen (14) days after the trial docket is published, the parties file a joint motion requesting a judicial settlement conference. The motion shall contain a certification by counsel that the parties have been advised of the motion and approve its filing. The motion shall further describe in detail the settlement efforts made and dispute resolution techniques previously used in the case.

19. ☐ The parties consent to trial by a Magistrate Judge.

20. Initial disclosures pursuant to Fed. R. Civ. P. 26 have been made ☐; are excused ☐; or ☐ shall be made not later than _____.

21. Other: Objections to exhibits must be shown in the Final Pretrial Report or may be deemed waived

Dated this 6th day of August, 2015.

BY ORDER OF THE COURT
CARMELITA REEDER SHINN, CLERK OF COURT

By: _____

Deputy Clerk

Copies to all parties